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Security Council

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Resolution 1338 (2001)

Adopted by the Security Council at its 4268th meeting, on 31 January 2001

The Security Council,

Reaffirming its previous resolutions on the situation in East Timor, in particular resolutions 1272 (1999) of 25 October 1999 and 1319 (2000) of 8 September 2000, and the relevant statements of its President, in particular those of 3 August 2000 (S/PRST/2000/26) and of 6 December 2000 (S/PRST/2000/39),

Having considered the report of the Secretary-General of 16 January 2001 (S/2001/42),

Commending the work of the United Nations Transitional Administration in East Timor (UNTAET) and the leadership of the Special Representative of the Secretary-General,

Expressing support for the steps taken by UNTAET to strengthen the involvement and direct participation of the East Timorese people in the administration of their territory, and *urging* further measures to delegate authority to the East Timorese people as an essential part of the transition to independence,

Encouraging efforts to achieve the goal of independence for East Timor by the end of 2001, as set out in paragraphs 4 and 50 of the report of the Secretary-General, and *acknowledging* that it is the responsibility of UNTAET to ensure free and fair elections in collaboration with the East Timorese people,

Reiterating its endorsement of the recommendations contained in the report of the Security Council Mission to East Timor and Indonesia (S/2000/1105) of 21 November 2000, in particular the view of the Mission that a strong international commitment will be required in East Timor after independence,

Underlining its concern at the continued presence of large numbers of refugees from East Timor in the camps in the province of East Nusa Tenggara (West Timor), and at the security situation there, particularly as it relates to militia activity and the effect on refugees, and *stressing* the need to find a comprehensive solution to the problem,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994, and

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emphasizing the need to take further steps to ensure the safety and security of international personnel in East Timor and Indonesia, in view of the dangers faced,

Welcoming and encouraging efforts by the United Nations to sensitize international personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

Emphasizing the need for continued international financial support to East Timor, and *urging* all those who have made pledges to the Trust Fund for East Timor to make their contributions expeditiously,

1. *Welcomes* the report of the Secretary-General of 16 January 2001;

2. *Decides* to extend the current mandate of UNTAET until 31 January 2002, bearing in mind the possible need for adjustments related to the independence timetable;

3. *Requests* the Special Representative of the Secretary-General to continue to take steps to delegate progressively further authority within the East Timor Transitional Administration (ETTA) to the East Timorese people until authority is fully transferred to the government of an independent State of East Timor, as set out in the report of the Secretary-General;

4. *Encourages* UNTAET, bearing in mind the need to support capacity-building for self-government, to continue to support fully the transition to independence, including through development and training for the East Timorese people;

5. *Calls upon* the international financial institutions, the United Nations funds and programmes and bilateral donors who have committed resources to East Timor to fulfil their commitments and to accelerate disbursements, in particular in areas relevant to peace-building and development assistance, and *reaffirms* in this regard the continued need for effective coordination of development assistance to East Timor;

6. *Urges* the international community to provide financial and technical assistance to the creation of an East Timor Defence Force, and *encourages and welcomes* the coordinating role of UNTAET in this endeavour;

7. *Underlines* that UNTAET should respond robustly to the militia threat in East Timor, consistent with its resolution 1272 (1999);

8. *Emphasizes* the need, in the light of the recommendations in the report of the Security Council Mission, for measures to address shortcomings in the administration of justice in East Timor, particularly with a view to bringing to justice those responsible for serious crimes in 1999, and for urgent action to expedite the training of the Timor Lorosae Police Service and to attract sufficient resources to develop this police service and the judicial system;

9. *Encourages* the Government of Indonesia, while acknowledging their efforts so far, to continue to take steps, in cooperation with UNTAET and relevant international agencies, in accordance with its resolution 1319 (2000) and the relevant recommendations in the statement of its President of 6 December 2000;

10. *Requests* the Secretary-General to submit to the Security Council by 30 April 2001 a report on the implementation of the mandate of UNTAET, which

should include in particular military and political assessments of the situation on the ground and their implications for the size, structure and deployment of UNTAET, and *expresses* its intention to take appropriate steps on the basis of this report expeditiously, taking into account the views of troop-contributing countries;

11. *Stresses* the need for a substantial international presence in East Timor after independence, and *requests* the Secretary-General to make detailed recommendations in this regard to the Council within six months of the adoption of this resolution, which should be developed in close consultation with the East Timorese people and in coordination with other relevant international and bilateral actors, in particular the international financial institutions and the United Nations funds and programmes;

12. *Decides* to remain actively seized of the matter.